

FILED
COURT OF APPEALS
OF THE STATE OF WASHINGTON

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COURT REPORTER

BY NS

COURT OF APPEALS
OF THE STATE OF WASHINGTON
DIVISION TWO

STATE OF WASHINGTON,
Respondent,

v.

EDWARD L. STODDILL,
Appellant.

COA. # 54204-8-II

STATEMENT OF ADDITIONAL
GROUNDS FOR REVIEW,
RAP 10.10

I. INTRODUCTION

Mr. Stoddill is currently serving a sentence of 72 months confinement in the custody of the Washington Department of Corrections after trial by jury to two counts of Assault 2^o, one count of harassment, two counts of violation of a no-contact order, and one count of obstructing a law enforcement officer, before the Honorable Judge Jack Nevin. He has appealed the -

convictions, and the Judgment imposed entered on November 8, 2019.

The appellant specifically argues in the SAG that the state failed to prove beyond a reasonable doubt all essential elements of the crimes of Assault 2°.

II. STATEMENT OF FACTS

On March 18, 2019, according to Pedro-Hernandez, while sitting in Stoddills' wife's new-vehicle, in front of Hernandez's residence, he saw Stoddills' vehicle later that evening, drive-up the road. 2RP 246-47; 3RP 305-06.

Hernandez testified that he got out of the passenger seat and walked around the car to open the driver's-door to help Lakisha Stoddill get out so she could go inside. 2RP 247.

Stoddill is alleged to have swerved his vehicle toward Hernandez, and Hernandez claimed he had to jump back between the-parked cars to avoid being struck. 2RP 249. When Stoddill drove past Hernandez several-times, Stoddill was alleged to have been "all-over the road," swerved toward Lakishas'-vehicle, "and did several burn outs." 2RP 248-49.

Hernandez testified that Stogdill continued to "swerve" to hit him for 20-minutes. 2RP 249-50. He never stated that Stogdill swerved his vehicle to hit Lakisha. 2RP 250. However, Hernandez did testify that Stogdill kept yelling and cursing at them, threatened to kill Lakisha, and shoot at Hernandez's residence. 2RP 247-249. He further testified that Lakisha was "crying" and shaking, and that she refused to get out of her own vehicle. 2RP 249.

According to Lakisha, Hernandez had gotten out of the vehicle and was standing in his driveway when she first saw Stogdill's car. 2RP 305-06, 316. Stogdill drove past quickly several times, and was yelling "something" out of his window. 3RP 306-307. Lakisha testified that Stogdill never swerved his car toward her or towards Hernandez. 3RP 317, 328-29. She testified that she was not "crying." 3RP 308. Hernandez forced her to call 911. 3RP-308. Police confiscated Lakisha's cellphone, and placed it on speaker to listen to Stogdill's phone conversation. 3RP 309

Lakishas' car was not back-to-back with Hernandez's car. 3RP 313. Hernandez's car was in the back of his residence. Id. Hernandez got out of Lakisha's car, and ran into his house to get cigarettes. 3R 316. Thereafter, he stood in his driveway talking to his roommate. Id. Lakisha testified that Stosdill never drove his vehicle toward Lakishas' car. 3RP 317. He never drove his car toward Hernandez. As a matter of fact, the appellant never swerved his vehicle in an attempt to hit anything. 3RP 317. Lakisha further testified that at no time she felt threatened by Stosdill during the incident in question. 3RP-328. Finally, at the time Stosdill was arrested, Officer Collins testified that no firearms were located at Stosdill's residence. 2RP 292-93.

III ARGUMENT

THE CONVICTIONS OF ASSAULT IN THE DEGREE WERE NOT SUPPORTED BY THE EVIDENCE BEYOND A REASONABLE DOUBT, THEREBY DEPRIVING STOSDILL OF RIGHTS GUARANTEED BY THE FOURTEENTH AMENDMENT TO THE UNITED STATES CONSTITUTION.

Evidence is sufficient to support a guilty verdict if ANY rational trier of fact, viewing the evidence in the light most favorable to the state, could find the elements of the charged crime beyond a reasonable doubt. Jackson v. Virginia, 443 U.S. 307, 319, 99 S.Ct. 2781, 61 L.Ed.2d. 560 (1979); State v. Salinas, 119 Wn.2d 192, 201, 829 P.2d 1068 (1992).

"Claim of insufficiency admits the truth of the State's evidence and all reasonable inferences that can be drawn therefrom," Id. [emphasis]. Circumstantial evidence and direct evidence are equally reliable. State v. Delmarfer, 94 Wn.2d 634, 638, 618 P.2d (1980).

Credibility determinations are not subject to review. State v. Camarillo, 115 Wn.2d 60, 71, 794 P.2d 850 (1990).

A. Second Degree Assault

Instruction No. 8 states "A person commits the crime of assault in the second-degree when he or she assaults another with a deadly weapon." Instruction No. 9 defines "deadly weapon" as "any weapon, device, instrument,"

substance, or article including a vehicle..."

Instruction No. 12 and No. 13 reflects instructions to jury to convict Stoddill of two-counts of second degree assault against Lakisha, and Hernandez.

In the instant case, Mr. Stoddill asserts that there is no evidence upon which the state could base both counts of Assault in the Second Degree. Mr. Stoddill never swerved his vehicle to hit either Lakisha or Hernandez ERP 316-317.

IV CONCLUSION

Based upon the foregoing reasons, Mr. Edward Stoddill respectfully request that the Court reverse the second degree assault convictions, and remand for dismissal with prejudice.

Respectfully Submitted,

Edward Stoddill
Edward Stoddill
Appellant pro se

CERTIFICATE
OF SERVICE

3 ss

THAT, ON May 14, 2020, I sent through prison authorities by First Class-mail, the following Legal Documents under Court of Appeals, Division Two, #54204-8-II:

Statement of Additional Grounds For Review ("SAG")

TO: Court of Appeals, Div. II
950 Broadway #300, ms TB-06,
TACOMA, WA., 98402-4454

I certify that the foregoing is true and correct. RCW 9A.72.085.

Edward Stegdill
Clallam Bay Corr. ctr.,
1830 Eagle Crest Way,
Clallam Bay, WA., 99326

G/H OUTGOING LEGAL MAIL LOG SHEET

This Legal Mail Log Sheet will be used to log outgoing legal mail. It can be used for one (1) or up to six (6) envelopes being mailed. Once the form is completed, it will be placed in the Outgoing Legal Mail Log Book in the G/H Sergeant's Office.

Date: 5/14/20

Time: _____

INMATE NAME: Edward Stogdill

DOC#: 775099

(PRINT) Last Name, First Name

Housing Assignment: GA 112

DESTINATION AND DESCRIPTION OF EACH PIECE OF MAIL

1. Court of Appeals, Div. II, 950 Broadway,
MS TB-06, Tacoma, WA, 98402-4454
2. _____
3. _____
4. _____
5. _____
6. _____

INMATE SIGNATURE: Edward Stogdill

STAFF SIGNATURE: _____